

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL NO. 04-30124-MAP

ALEX DELGADO, Petitioner,

vs.

KATHLEEN M. DENNEHEY, Respondent.

PETITIONER'S MOTION FOR ENLARGEMENT  
OF TIME FOR FILING OPPOSITION TO  
RESPONDENT'S MOTION TO DISMISS

Petitioner Alex Delgado moves the Court for an order enlarging to September 29, 2006 the time in which he is to file his Opposition to Respondent's Motion To Dismiss, and states in support:

1. On June 5, 2006 the Court issued a scheduling order under which Respondent was directed to file dispositive motions by July 7, 2006; Petitioner was to file his opposition by August 7, 2006; Respondent was to file her reply by August 21, 2006 and the Court was to hear argument on August 29, 2006. With Petitioner's assent, Respondent was permitted to file her motion to dismiss on August 25, 2006 and the schedule was revised to require Petitioner to file his opposition on or before September 18, 2006.

2. Petitioner's counsel has not been able to complete Petitioner's opposition to Respondent's motion to dismiss and will not be able to do so by September 18, 2006. Counsel argued *Cooper v. Region V Administrative Justice*, Supreme Judicial Court No. 09464 on September 6, 2006 and *Commonwealth v. Frederick Murphy*, Supreme

Judicial Court No. 08196 on September 8, 2006. He must file the Petitioner's Opposition to Respondent's Motion To Reconsider Judge Zobel's grant of a writ of habeas corpus in Foxworth v. Maloney, United States District Court for the District of Massachusetts No. 03-11844-RWZ on September 13, 2006 and will be in Oklahoma to visit his mother September 14-17, 2006. He must file the Appellant's Brief and Appendix in Commonwealth v. Manuel Diaz, Massachusetts Appeals Court No. 2006-P-0729 on September 22, 2006. Counsel requests an additional week in which to prepare and file his Opposition to Respondent's Motion To Dismiss in the present case.

3. Counsel has conferred with Assistant Attorney General Annette G. Benedetto who assents to this motion.

WHEREFORE, Petitioner Alex Delgado moves the Court for an order allowing him to file his Opposition to Respondent's Motion To Dismiss on or before September 29, 2006.

Respectfully submitted,  
ALEX DELGADO, PETITIONER

/s/ John M. Thompson

By \_\_\_\_\_  
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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper will copies will be sent to those indicated as non registered participants on September 11, 2006.

/s/ John M. Thompson